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# Notice from the Director General of Fisheries Change in regulations of February 27, 1981 for an interim damage and compensation program for Norwegian fishermen due to pollution from oil activities

Director General of Fisheries

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Director General of Fisheries Bergen 7/6-1982

Notice from the Director General of Fisheries

J 45/82

Change in regulations of February 27, 1981 for an interim damage and compensation program for Norwegian fishermen due to pollution from oil activities.

By Royal decree of 7/5-1982 the following changes in the above mentioned regulations of 27/2-1981 are established.

I

Section 8, subsection five (new) shall read :
In determining compensation, full deduction must be made for compensation from whoever caused the damage and other payments such as insurances etc. that the claimant has received or will be paid as a result of the damage.

Section 8, earlier fifth, sixth, and seventh subsection becomes section 8, sixth, seventh and eigth subsection.

II

These regulations come into force immediately.
The regulations of 27/2-1981 will then read as follows: → *)
By Royal decree of 27/2-1981, with revisions dated 7/5-1982, the following regulations have been established:

Section 1.

An interim compensation procedure is established to cover damages and losses as specified under Section 3, first and

*)(Please insert:) REGULATIONS CONCERNING PROVISIONAL INDEMNITY AND COMPENSATION TO NORWEGIAN FISHERMEN (FOR DAMAGES) CAUSED BY CONTAMINATION FROM OIL ACTIVITIES.

second subsections, suffered by Norwegian fishermen as a result of activities associated with the exploration and exploitation of underground petroleum resources.

There is also a compensation procedure established for covering expenses incurred by Norwegian fishermen, as mentioned in Sect. 3, third and fourth subsection, in connection with locating (marking), taking up and bringing ashore debris from the bottom and in the sea. This procedure is not limited to expenses incurred as a result of activities associated with the exploration and exploitation of underground petroleum resources.

The damages and/or compensation is covered by funds allocated in the state budget.

Section 2.

The damage and compensation procedure apply to Norway's econ-- (rest cut off on bottom of page, Transl. note) (economic zone?) . . .

The compensation arrangement, see Sect. 1, first subsection, still covers all fishing grounds in the North Sea without consideration of borders between economic zones limited to the north by 62°N, to the west by 4°W and the coast of Great Britain, to the south by the English Channel and the coast of Belgium, the Netherlands and Germany, to the east by the Danish coast up to Skagen and from there in a straight line to the Paternoster Lighthouse, from there along the coasts of Sweden and Norway.

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Section 3.

Compensation can be awarded for damage to gear and vessel, for lost catch and for lost fishing time in the cases where the vessel as a result of the damage incident has to interrupt fishing operations, including having to travel ashore in order to repair the damage or acquire new equipment.

Compensation can also be awarded for lost fishing time in the case the fishery has to be stopped as a result of the activity of seismic research vessels on fishing grounds.

Compensation can be given for lost fishing time, including time used for work in connection with locating (marking) and time for taking up and bringing ashore objects that fishing vessels have caught in their fishing gear and which are of such size and type that they can be of danger for the safety of fishing vessels and other traffic, a hindrance for the fishery or can lead to damage to fishing vessels, if they are released again. The arrangement also includes drifting buoys. Compensation can also be given for lost fishing time in the cases when fishing vessels must wait for assistance because they are not able to take the object onboard themselves.

Compensation can also be paid to helping vessels or other vessels that bring objects ashore.

In order for compensation to be given according to the third subsection, the object must be clearly marked and the

position communicated to police/harbor officials, or be brought ashore and shown to harbor officials, police or other public authorities.

The vessel in question shall in any case describe the object in a report with photographs attached.

Section 25 of the penal code applies.

Section 4.

Application for damages/compensation must be made on an approved form within 2 months after the damage or loss occurred.

The application is to be sent to the local fisheries chief. The program is being administered by the Director General of Fisheries.
The applicant sends a copy of the form to the Oil Directorate.

Section 5.

Compensation according to Section 3, first and second subsection, can be awarded when it is highly likely that the damage is caused by activities as mentioned in Section 1.

When proof is examined, special attention shall be paid to :

a) Type of the damage-causing object (if it can be determined)
b) Position of event (deserted drilling area/supply ship route)
c) Type of damage (s)
d) Course of events leading to damage
e) Experience with earlier fishing in the area
f) Reports concerning control measures taken by The Oil Directorate.

Section 6.

A board of 3 persons makes decisions concerning the granting of damages and compensation applications from fishermen by majority vote. The board shall consist of a fisheries expert, a representative from the Oil Directorate, and an independent member. The independent member shall chair the board and must fulfil the qualifications for judge.

The Dept. of Fisheries appoints the members of the board for 2-year periods.

Section 7.

The decisions of the board can be appealed within 1 month to an appeal board consisting of 5 persons, 3 of whom are appointed by the criteria mentioned in Section 6. Further, one member is appointed from the fisheries organisations and one to represent the oil companies operating in the Norwegian economic zone.

The appeal board decides by majority vote. The Dept. of Fisheries appoints the appeal board for 2-year periods.

Section 8.

Determination of compensation for loss of tools and equipment is based on the replacement cost, with deductions for wear and age. Deduction calculations include average lifetime of equipment and state of equipment at the time of the accident. More detailed directives concerning deduction amounts can be had from the Dept. of Fisheries.

Compensation for equipment damages is paid in view of valid repair costs.

When damages/compensation for loss of catch are calculated, the calculations shall include the vessel's catch capacity and catch results around the time of the accident, based on valid raw material prices.
If a vessel has to interrupt its expedition and return to land, the quantity landed shall be considered.

**In evaluating the amount of compensation, full deduction must be made for compensation from whoever caused the damage and other payments such as insurance claims etc. that the claimant has received or will receive as a result of the damages.**

**Damages/compensation is paid with a 25% deductible calculated**

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up to 500 kr.

The Ministry of Fisheries can set further guidelines for determining lost fishing time. p. 4

The decision by the Board on the amount of damages or compensation shall be itemized.

Section 9.

The compensation is to be paid to the Directorate of Fisheries as soon as a decision is made. When the cause of the damage can be identified, repayment will be sought for the compensation paid out.

Section 10.

These regulations come into force immediately. Regulations established through royal decree of June 25, 1976 have been repealed.